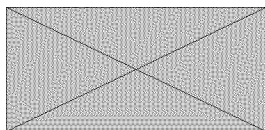


**To:** Garrahan, Kevin[Garrahan.Kevin@epa.gov]  
**From:** Environmental Law360  
**Sent:** Fri 8/14/2015 7:40:59 AM  
**Subject:** 15 State AGs Urge DC Circ. To Stay EPA's Clean Power Plan



## ENVIRONMENTAL

Friday, August 14, 2015

### TOP NEWS

LAW  
FIRMS

#### Union Pacific Dodges Nuisance Claims In Superfund Suit

Alston  
& Bird

A California federal judge on Wednesday tossed public nuisance claims against Union Pacific Railroad Co. in a suit over cleanup costs at a central California Superfund site, finding voluntarily incurred investigation costs do not constitute a special injury.

Alston  
Hunt

#### NC Takes Stand Against Duke, Enviros In Coal Ash Suit

Andrew  
Kurth

The North Carolina Department of Environment and Natural Resources on Wednesday asked a state judge to deny the Southern Environmental Law Center and Duke Energy Corp.'s bid to partially end litigation over Duke's coal ash contamination.

BakerH

Balch  
&

#### EPA Says Startup, Shutdown Rule Challenge Belongs In DC

Binghai

The U.S. Environmental Protection Agency on Monday asked the Fifth Circuit to toss or transfer Texas-specific challenges to its rule requiring states to revise exemptions for startup and shutdown emissions, arguing the challenge must be heard at the D.C. Circuit.

Bays  
Lung

Beck  
Redder

#### GSA Urges Rejection Of Fees Request In Wind Farm Row

The U.S. General Services Administration on Wednesday urged an Illinois federal judge to deny attorneys' fees and expenses sought by property owners and renters in a dispute over a proposed tribe-backed wind farm, arguing the group is not entitled to an award.

Bracew  
&  
Giuliani

#### 15 State AGs Urge DC Circ. To Stay EPA's Clean Power Plan

Brown  
Rudnick

A group of 15 state attorneys general took aim at the U.S. Environmental Protection Agency's Clean Power Plan on Thursday, urging the D.C. Circuit to issue an emergency stay of the controversial proposal's deadlines while its legality is reviewed by the courts.

Bryan  
Cave

Choate

### ANALYSIS

Cleary  
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#### Immunity May Not Save EPA From Gold King Mine Claims

Cooley  
LLP

Despite the legal protections afforded the government and its agents, the U.S. Environmental Protection Agency and its contractor could be on the hook for damages in the aftermath of the Gold King Mine contaminated water spill in Colorado, experts say.

Alston  
& Bird

### **Dentons Protects Guam Historic Site From Firing Range**

A four-year effort by a Dentons pro bono team to protect an ancient village in Guam considered sacred to an indigenous community ended quietly in recent weeks with an about-face from the U.S. Department of the Navy, which backed off its plans to use the site for a new firing range.

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Kurth

## **POLICY & REGULATION**

BakerH

### **UK Moves To Nationalize Fracking Permit Reviews**

The U.K. government said Thursday that it would fast-track reviews and approvals of natural gas drilling applications, potentially trumping the planning authority of local municipalities, which the government claims is bogging down shale development in the country.

Balch  
&  
Binghai

Bays  
Lung

### **EPA Concerned About Gas Pipeline Crossing Tribal Land**

The U.S. Environmental Protection Agency on Wednesday raised concerns about a 3.1-mile natural gas pipeline that Williams Northwest Pipeline LLC plans to construct in Washington state, saying it could harm water quality on tribal lands if blasting activities aren't properly monitored.

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## **ENFORCEMENT**

Brown  
Rudnick

### **Koch Pipeline Co. Settles 1998 Oil Spill Claims For \$770K**

Koch Pipeline Co. has agreed to pay \$770,000 to settle claims with the federal government and the state of Texas over the 1998 release of crude oil from a receiving station into a local creek that allegedly caused widespread damage.

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### **Ex-Massey CEO Asks Judge To Split Trial, Drop Charges**

Ex-Massey Energy Co. CEO Don Blankenship, who is accused of mandating mine safety obstructions that killed 29 employees and of making false statements to the Securities and Exchange Commission, asked a West Virginia federal judge Wednesday to split his trial in two, and then on Thursday to dismiss the only count for one of those trials.

Cooley  
LLP

Couder  
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## **LITIGATION**

Cravath  
Swaine

### **Maui Anti-GMO Law Backers Seek Faster 9th Circ. Appeal**

A citizens group trying to revive a Maui law restricting genetically modified crops in the county asked the Ninth Circuit to consolidate four appeals over the law on Wednesday, while

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the law's opponents argued one appeal is already moot.

LAW  
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### **Texas Justices Urged To Rethink Coverage For EPA Action**

Alston  
& Bird

Two insurers asked the Texas Supreme Court on Wednesday to rehear a case in which it ruled a U.S. Environmental Protection Agency proceeding against an alleged polluter is a "suit" and must be defended by insurers, saying the court had cast off recognized legal standards.

Alston  
Hunt

### **Maine Court Urged To Nix Tribe's Witnesses In Water Row**

Andrew  
Kurth

A group of Maine municipalities and companies urged a federal court Wednesday to exclude testimony from three historians for the Penobscot Nation in a suit over its ability to regulate nonmembers on the Penobscot River, arguing the testimony did not help the court interpret two 1980 state laws at the case's core.

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### **DEALS**

Bays  
Lung

### **SunEdison, Dominion Pump \$650M Into Massive Solar Project**

SunEdison Inc. said Wednesday that it has joined forces with Dominion Resources Inc. in a \$650 million joint venture to develop a 420-megawatt solar project in Utah.

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### **EXPERT ANALYSIS**

Bracew  
&  
Giuliani

### **The Drumbeat Of 'Drill Baby Drill' Dawns In Ill.**

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Rudnick

The recent denial of a preliminary injunction against the Illinois Department of Natural Resources' new hydraulic fracturing regulations is a victory for the state's nascent shale oil and gas industry and, while the regulations must still survive a decision on the merits, the denial moves Illinois closer to the benefits of modern shale development, say Alexander Obrecht and George Tzanetopoulos of BakerHostetler LLP.

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### **LEGAL INDUSTRY**

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### **Trial Aces: Greenberg Traurig's Lori Cohen**

Cooley  
LLP

With 57 trials under her belt, and a whopping 56 wins, Greenberg Traurig LLP's Lori Cohen has made a name for herself as a fearless attorney known for out-preparing her competitors and not letting anything get in her way — not even an emergency root canal.

Couder  
Brother

### **Dewey Cooperator Tells Of Fraud Cover-Up Inside Firm**

Cravath  
Swaine

Jurors in the trial of the former top executives of Dewey & LeBoeuf LLP on Thursday heard the firm's former revenue support director describe how staffers worked to cover up the purported scheme to deceive lenders and investors from partners and others who became suspicious about strange accounting entries.

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## **How To Get The Most Out Of Your Associates**

Law firms put in serious time and money to hire the best crop of new associates. These bright, young women and men are ready to work — and work hard — but how do partners and managers ensure new hires are performing at their very best? Here are four things to think about to maximize your associates' potential.

## **Law360's Weekly Verdict: Legal Lions & Lambs**

Loeb & Loeb LLP lawyers lead this week's legal lions with a come-from-behind victory for Sony Corp. in a copyright infringement case. Our legal lambs are led to slaughter by Squire Patton Boggs LLP, which will have to face a fee recovery claim in California from an insurance company related to its work as counsel for a policyholder.

## **Drinker Biddle Guts Ex-Atty's \$30M Wrongful Firing Suit**

A California judge on Thursday tossed most claims in a former Drinker Biddle & Reath LLP associate's \$30 million suit alleging the firm wrongfully terminated her for voicing opposition to an attorney job candidate, adding she might have thrown out all the claims if Drinker had asked.

## **Haynes And Boone Adds Chicago Office With IP Firm Merger**

Haynes and Boone LLP this week announced a merger with intellectual property boutique Mavrakakis Law Group LLP, in what the firm said would lead to the expansion of its Silicon Valley office as well as the addition of a new office in Chicago.

## **Ex-Bracewell Atty Accused Of Lying In IP Row Joins Dentons**

A former Bracewell & Giuliani LLP attorney who resigned after allegedly misleading a Texas federal judge about potentially damaging evidence in an oilfield servicer's patent suit has taken up with a new firm, with Dentons saying Thursday he has joined its Houston office as a managing partner.

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